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## **Transforming responses to domestic violence in a politically contested environment: The case of Northern Ireland**

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### **Abstract**

Domestic violence is a global phenomenon, but it takes on specific modalities in different cultural and geo-political settings. Drawing on evidence from the Northern Irish case, this article is concerned with exploring the relationship between domestic violence and the international and national sociopolitical context which domestic violence is perpetrated in and responded to. The Northern Irish case reveals a high level of political, religious and ethnic contestation at a societal level, a patriarchal social structure and conservative attitudes, each of which influence experiences of and responses to domestic violence. These factors exist alongside a number of groundbreaking changes to the overall political context and to domestic violence policies in Northern Ireland. This article seeks to explore the impact of these sociopolitical factors and changes on patterns of domestic violence in Northern Ireland over the last thirty years. The article is concerned with identifying how domestic violence responses are shaped by the sociopolitical context, what progress has been made in policy responses to domestic violence and the gaps that remain.

### **Introduction and Context**

Domestic violence or intimate partner violence (IPV)<sup>1</sup> refers to a pattern of threatening, controlling, coercive behavior, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) used by adults or adolescents against their current or former intimate partners. This type of violence can occur among heterosexual or same-sex couples and is experienced by both women and men, although studies show that most violence in relationships is from men to women (Breiding, Chen & Black, 2014; Department of Justice, 2013). Domestic violence is increasingly recognized as a public health problem associated with a wide range of serious physical and psychological effects, including injuries, poor reproductive health, depression and anxiety (Small, et al., 2008; Campbell, 2002; Coker et al.,

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<sup>1</sup> Although it is predominately violence between intimate partners rather than all family members that is being discussed here, the term domestic violence is used rather than intimate partner violence to reflect the language used in policy.

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2000). Domestic violence can also have profound and lasting psychological effects on children and other family members who are exposed to it (World Health Organization, 2012).

While domestic violence is very much a global phenomenon,<sup>2</sup> experienced by individuals from all backgrounds and societies, research shows how the specific sociopolitical, cultural and economic factors that exist within a given society can shape domestic violence. Legislative, policy and professional responses to domestic violence differ across societies and determine the level of assistance and protection available to victim/survivors, while social and community factors may function to support and normalize violence. Among the most influential of these social and community level factors are conservative and patriarchal social norms, gender inequality, violent political conflict, and poverty. Conservative and patriarchal norms typically support men's dominance over women, confine women to traditional gender roles and may stigmatize divorce and single parenthood, all factors which can normalize domestic violence and limit the capacity of women to leave violent relationships (Michau et al., 2015; Jewkes, 2002; Heise, 1998). Related to this, gender inequality and low levels of empowerment for women can, among other things function to limit women's employment and livelihood options and thus also their capacity to leave a violent relationship (Heise, 1998). Violent political conflict has been linked with militarized masculinity, increased access to weapons and power for men, and the collapse of criminal justice accountability mechanisms, each of which has implications for victim/survivors of domestic violence (McWilliams & Ní Aoláin, 2013; Saile et al., 2013; Annan & Brier, 2010; Clark, et al., 2010). Finally, poverty has been linked to higher levels of household stress and fewer options for women, both of which have been hypothesized to increase domestic violence, although the empirical evidence in this regard has been quite mixed (Vanderende et al., 2012; Gage and Hutchinson, 2006; Ackerson and Subramanian, 2008; Gage 2005).

Northern Ireland presents as a particularly interesting case as many of the aforementioned factors which influence domestic violence have or do exist there to varying degrees. Northern Ireland stands out as a historically deeply religious and conservative society and a post-conflict society where the legacy of the conflict continues to be felt. At least partially

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<sup>2</sup> Research carried out by UNICEF (2000) in both industrialised and developing countries from across six global regions (Africa, Asia and the Pacific, Europe/CIS and Baltic states, Middle East, North America, and Latin America and the Caribbean) found that between 20% and 50% of women had experienced violence from their intimate partners.

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related to these factors, there has been a historically weak legislative, policy and statutory response to domestic violence (McWilliams & McKiernan, 1993). However, at the same Northern Ireland stands out as a society which has witnessed a sea change over the past few decades in its sociopolitical structure and policy response to domestic violence, as the 30-year violent conflict there finally came to an end and global advancements in domestic violence legislation and policy responses have been absorbed locally.

Within this context, the core objective of this article is to analyze the changes that have occurred with regard to addressing domestic violence in Northern Ireland over approximately the last three decades. The article asks the following key questions: How have legal and policy responses to domestic violence in Northern Ireland changed between the 1992 and 2016 studies? How have these changes been influenced by the global and local sociopolitical context? Where has progress been made in addressing domestic violence and where do gaps remain? The article addresses these questions using predominately historical tracing processes and literature review but also draws on some illustrative findings from a comparative qualitative study of domestic violence carried out at two junctures; first by McWilliams and McKiernan in 1992 during the conflict in Northern Ireland and latterly by Doyle and McWilliams (the authors) in 2016 almost 20 years after the signing of the peace agreement (Doyle & McWilliams, 2018; McWilliams & McKiernan, 1993).

Briefly, as the empirical findings from this study are not the main focus of this paper, the 1992 and 2016 studies used identical methodological approaches. Both studies were qualitative in nature and relied predominately on semi-structured interviews for data collection. A non-probability sampling strategy was used in both studies to identify potential participants and guarantee where possible that the sample was representative of the experiences of women<sup>3</sup> living in Northern Ireland who were from different age groups,<sup>4</sup> geographic locations and religious, ethnic, racial and economic backgrounds.<sup>5</sup> A sample size of around 60 women victim/survivors of domestic violence was sought for both studies; each involved a different

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<sup>3</sup> Only women were included in the sample, a decision taken to ensure methodological consistency and thus comparability with the 1992 study which had a women-only sample, and based on research findings that most violence in relationships is from men to women.

<sup>4</sup> For ethical reasons no women/girls under the age of 18 were interviewed.

<sup>5</sup> One group of women who were not included in the study were LGBT women. The reason for this was that there were very few LGBT women in domestic violence refuges and outreach centres in Northern Ireland at the time of the research and none we approached were willing to participate in the study. This means that the experiences of these women are not included in the study and this is a limitation of the study.

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sample of participants with a final sample size of 56 women for the 1992 study and 63 women for the 2016 study. The interview guide for the 1992 study was updated to ensure its contemporary relevance and edited slightly to explore key issues related to the transition from violent conflict in Northern Ireland. More specifically, the interview guide explored the following themes: (1) victim experiences of domestic violence and its impact on their well-being, (2) the impact of the conflict/post-conflict environment in Northern Ireland on domestic violence and (3) assistance sought for domestic violence from family, friends, statutory and voluntary services. For data analysis, interviews were recorded, transcribed verbatim and systematically coded by recording the prevalence of key themes (codes) in a spread sheet. Further information on the methodology of this empirical study, including information of participants' backgrounds and research questions can be found in the full research report (see Doyle & McWilliams, 2018).

### **The Changing International Environment**

Historically a neglected issue, domestic violence and violence against women (VAW) more generally gained prominence in the 1970s following the commencement of the United Nations (UN) Decade for Women (1975) and the persistent efforts of women's rights activists from across the globe. A number of landmark resolutions and policies followed in the 1980s and early 1990s<sup>6</sup>, topped by the introduction of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW; UN Women, 2000) in 1981, and the explicit recognition of VAW as a human rights violation by the UN at the World Conference for Human Rights in Vienna in 1993. Since 1993, the idea of domestic violence as a human rights violation has been developing as a global norm and, following several landmark legal judgements over the last decade in particular has begun to mature into a universally binding principle of international law (see below and also Meyersfield, 2010; Laird McCue, 2008). In 1995, at the fourth World Conference of Women in Beijing, VAW was identified as one of the twelve areas of women's lives requiring urgent action (UN Women, 1995) and in 2000 the UN General Assembly adopted the Optional Protocol to the CEDAW which gave the CEDAW committee investigative powers and allowed women (and those acting on their behalf) to bring complaints to the Committee. In 2006, a report issued by the office of former UN Secretary-General Kofi Annan directed that states are obliged by international human rights law to hold perpetrators

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<sup>6</sup> Notably, the 1985 General Assembly resolution 40/36 on domestic violence, and the 1991 Economic and Social Council resolution 1991/18 on violence against women in all its forms.

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of VAW – in the home or elsewhere – to account and following from this, the laws and actions of states have been monitored and assessed by global and country specific reports and recommendations made.

These recommendations have had a far-reaching impact on national legislation/policies, suggested by the fact that most of the world's countries (125 countries) now legislate for domestic violence, and most have engaged in more concerted efforts to improve policy and legal responses to domestic violence<sup>7</sup> (UN Women, 2015). International courts and most notably the European Court of Human Rights (ECtHR) have been influential in this regard too and have had a far-reaching impact on jurisprudence and interpretations of domestic violence. For instance, the ECtHR's 2009 judgment in the case of *Opuz v Turkey* (Opuz v Turkey, 2009) that the violence experienced by Nahide Opuz constituted a violation of the rights contained in articles 2 (right to life), 3 (prohibition of torture) and 14 (prohibition of discrimination) of the European Convention on Human Rights (ECHR)<sup>8</sup> and has shaped future jurisprudence and judgments, drawing attention to the key role of the state in taking measures to protect victim/survivors of domestic violence and their children and highlighting the extent to which domestic violence is an issue of inequality which negatively impacts an individual's capacity to enjoy other rights (McQuigg, 2012; Londono, 2009). Finally, in 2011, the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (the Istanbul Convention) became the first international treaty to specifically emphasize and address domestic violence. The Istanbul Convention is also notable for its recognition that the de jure and de facto equality between women and men is a key element in the prevention of VAW; that VAW is a manifestation of historically unequal power relations between women and men; that VAW is gender-based violence; and that VAW is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men (Council of Europe, 2011). In short, it is the first treaty to recognize that gender and gender inequality are at the center of the perpetration of and solution to VAW, although it should be noted that the United Kingdom (UK) like several other European nations has not yet ratified the Convention. This latter decision raises important questions surrounding the level of political

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<sup>7</sup> This is the most up-to-date information that we have, however the reader should be aware that several countries (for instance Russia) have since changed their legislation on domestic violence.

<sup>8</sup> It is worth noting that although the ECHR was introduced in 1950 and it has long been accepted that domestic violence represents a violation of several of the rights contained therein, it was not until the 2009 judgement that the Court finally dealt with a case involving domestic violence substantively within a rights-based framework (McQuigg, 2012).

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commitment to addressing VAW, an issue which is discussed in more detail with specific reference to the case of Northern Ireland below.

However, while the recognition of domestic violence as a public problem and dramatic increase in policy measures to address it in recent decades are welcomed, some critical feminist scholars have voiced concerns about the narrow representation of domestic violence as a legal and policy concern. These scholars have highlighted how framing domestic violence as a legal and policy concern to be addressed primarily through criminalization has had unintended consequences for a number of marginalized populations and detracted attention from the sociopolitical, economic and cultural realities that contribute to and are most crucial in addressing domestic violence (Mehrotra, Kimball & Wahab, 2016). For instance, Coker (2004, among others) points out how class, racial, migration, ethnic and cultural barriers operate in ways that limit access to criminal justice systems and how criminal justice measures intended to address domestic violence such as mandatory arrests and dual arrests can have negative consequences for marginalized populations such as women of color, poor women, undocumented immigrants, LGBT individuals, women with disabilities, and sex workers. Other scholars (see Abraham & Tastsoglou, 2016) have argued that the over-reliance on criminalization as a means to addressing domestic violence has created a legislative tunnel vision approach which fails to take account of and address the causes and consequences of domestic violence, including structural and cultural factors which subordinate women and issues of economic security, such as long-term housing, employment, women's empowerment and social support. Finally, there remains a question mark surrounding the effectiveness of criminal measures not only in tackling domestic violence but also in making women safer. While studies have found that certain measures, including domestic violence protection orders and pro-active arrest policies can (if properly implemented) provide a level of safety to victim/survivors of domestic violence and may even reduce recidivism among and prevent future violence from perpetrators (Kelly et al., 2013; Heise, 2011), others have contended that the overall probability that a woman will be killed or abused by her partner has not changed over time despite the profusion of new policy measures to this end (see for example, Stark, 2009). The foregoing arguments are well-founded and while this article is primarily a review of changing policy and legislative responses to domestic violence in post-conflict Northern Ireland, it should be noted at the outset that the authors support a holistic approach to domestic violence which considers the individual needs of all victim/survivors of domestic violence and

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tackles the sociopolitical, cultural and economic factors which uphold violence in society.

## **The Case of Northern Ireland**

### ***Historical context***

The Northern Irish sub-state came into existence in 1921 when Ireland was partitioned by an act of the British Parliament. While southern Ireland became a state in its own right, the Protestant majority in the north sought to remain part of the UK. There was also, however, a sizeable Catholic minority in Northern Ireland who politically and culturally aligned with the independent Irish state in the south. Thus, the ethnic and religious polarization between the two communities in Northern Ireland – the Protestant, British majority (unionists) and the Catholic, Irish minority (nationalists) – was fomented from the inception of the state. This polarization was embedded in the hostility between the two groups, with several outbreaks of violence in Northern Ireland and a prolonged period of violent conflict running for thirty years from 1968 to 1998 (Tonge, 2002; Todd & Ruane, 1996). The conflict in Northern Ireland finally came to a formal end in 1998, fixed with the signing of the Belfast Agreement (also known as the ‘Good Friday Agreement’) and establishment of a devolved power sharing government in which both unionist and nationalist groups must be represented. Yet, it should be noted that while the Belfast Agreement and emerging peace process have significantly reduced overt political violence and transformed Northern Ireland in many ways, ethnonational antagonisms have remained strong, divisions and mistrust continue to exist between the two groups, and there have been intermittent episodes of political violence with paramilitary groups refusing to disband and new groups emerging to replace those on ceasefire (Alderice, McBurney, & McWilliams, 2016; Ashe, 2012; 2007).

Socially, the separation and alienation of Protestant and Catholic communities has continued as part of the everyday experience in Northern Ireland, with housing and education often segregated along ethnonational lines (Hayes, McAllister, & Dowds, 2007), while the conflation of religion, ethnicity and politics, and, crucially the production of a national identity based on religious affiliation which characterized the Troubles have produced a deeply religious and conservative society (Ashe, 2007; Rooney, 2006). This is suggested by the much higher rates of church attendance among residents of Northern Ireland than in other parts of the UK and by conservative social and political attitudes towards issues of family and

sexuality<sup>9</sup> (Tearfund, 2007). Finally, at a political level, consociational political arrangements and the persistence of ethnonational identities have left little space for the emergence of other/multiple identities (including gender identities) and alternative political agendas, and ethnonational antagonisms between unionist and nationalist parties have led to repeated collapses in government (Ashe, 2012; 2007). Each of these aspects, the progressive changes as a result of a peaceful political settlement, the legacy of the conflict, and the sociopolitical environment in Northern Ireland are discussed with specific relation to domestic violence in the sections that follow.

### ***Domestic violence in Northern Ireland***

Several public institutions and studies have attempted to measure the prevalence of domestic violence in Northern Ireland. One source of statistical information is the annual reports of the Police Service of Northern Ireland (PSNI). The most recent report (2017/2018) states that 29,913 incidents of domestic violence were *reported* to the PSNI for the same year. This figure represents the highest level recorded and is 43 per cent higher than the level of 20,959 recorded in 2004/05 when consistent recording began (PSNI, 2018). For the most part, these figures have increased year on year since 2004/05. It should be noted that these figures concern only those incidents which are reported to the police and, given the recorded tendency among victim/survivors of violence not to report are likely to be an underestimation of the actual prevalence of domestic violence (PSNI, 2015, p. 31). Indeed, the Northern Ireland Crime Survey (NICS) 2010/11 found that police in Northern Ireland were only made aware of around one-third (31.1%) of all ‘worst’ cases of domestic violence and recorded a much higher domestic violence prevalence rate of 19.3% (around one-in-five) for women aged 16 to 64 (Department of Justice, 2013).

In terms of the impact of domestic violence, at the extreme end of the spectrum domestic violence homicides account for one in every four murders, manslaughters and attempted murders in Northern Ireland (Northern Ireland Policing Board, 2011) and there are consistently substantially more domestic violence crimes recorded by the police than burglaries and drug offences (PSNI, 2015). While independent empirical studies on domestic violence in Northern Ireland have been scarce, the studies that do exist highlight the serious physical and psychological consequences of domestic violence for victim/survivors and their families.

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<sup>9</sup> Northern Ireland, for instance, stands out as the only part of the UK where same-sex marriage and abortion have not been legalized.



Studies by Devaney (2013) and Dorahy, Lewis and Wolfe (2007) found that women who had experienced domestic violence had higher levels of depression, anxiety and substance use and poorer physical health overall, while our 2016 qualitative study (Doyle & McWilliams, 2018) recorded a wide range of serious physical and psychological injuries from domestic violence for victim/survivors and their children. These are summarised in Table 1 and include physical injuries such as black eyes and broken bones, depression, anxiety, suicidal tendencies and attempts, loss of/low self-esteem and for children in particular problems with schooling and education.

**Table 1: List of common impacts of domestic violence for women and children<sup>10</sup>**

<b>Impacts of domestic violence for women</b>	<b>Impacts of domestic violence for children</b>
<ul style="list-style-type: none"> <li>• Physical injuries (black eye, throat/neck injuries from choking, broken bones)</li> <li>• Stress related illness (Irritable bowel syndrome (IBS), fibromyalgia)</li> <li>• Persisting pain from physical injuries</li> <li>• Suicidal tendencies</li> <li>• Depression</li> <li>• Anxiety</li> <li>• Loss of self-esteem</li> <li>• Panic attacks</li> <li>• Difficulty concentrating</li> <li>• Difficulties sleeping</li> <li>• Always frightened</li> <li>• Isolation</li> <li>• Self-harm</li> </ul>	<ul style="list-style-type: none"> <li>• Physical injuries</li> <li>• Child also experienced domestic violence from perpetrator</li> <li>• Depression</li> <li>• Anxiety</li> <li>• Panic attacks</li> <li>• Post-traumatic stress disorder (PTSD)</li> <li>• Withdrawn, quiet</li> <li>• School work affected</li> <li>• Severed contact with family</li> <li>• Stress related illness (IBS, psoriasis, bell palsy)</li> <li>• Learning difficulties</li> <li>• Low self-esteem</li> <li>• Nervous, always frightened</li> <li>• Self-harm</li> </ul>

Source: Doyle & McWilliams (2018)

Concerning the statutory response to domestic violence in Northern Ireland, study findings are generally quite mixed. On the positive side, our comparative study found a significant increase (of 37%) in positive appraisals of police response to domestic violence between 1992 and 2016 (See Table 2 and Doyle & McWilliams, 2018). On the negative side empirical studies have repeatedly found that emotional/psychological violence is not being taken seriously by statutory agencies (including the police) in Northern Ireland (Lagdon, Armour, & Stringer, 2015) and our findings also support this (Doyle & McWilliams, 2018).

<sup>10</sup> This list shows only the most commonly reported outcomes of domestic violence, reported by more than six of 63 study participants, around 10 per cent. For the full list of outcomes of domestic violence along with prevalence rates see Doyle & McWilliams (2018), p. 17 and p.20.

Moreover, while our study found a significant improvement in policing responses to domestic violence between 1992 and 2016, no such improvement existed for most health and social service providers (the exceptions being community psychiatric nurses and to an extent health visitors see Table 2).

**Table 2: Positive appraisals of statutory responses to domestic in 2016 and 1992**

Agency	Positive appraisal (they were helpful)		
	2016 # (%)	1992 # (%)	Change %
General practitioner (Doctor)	16/48 (33%)	9/30 (30%)	↑3%
Police	25/40 <sup>11</sup> (63%)	9/35 (26%)	↑ <b>37%</b>
Social worker	12/33 (36%)	10/36 (28%)	↑8%
Health visitor	11/32 (34%)	4/25 (16%)	↑18%
Accident and emergency	6/19 (32%)	5/22 (23%)	↑9%
Community psychiatric nurse	13/17 (76%)	2/5 (40%)	↑ <b>36%</b>

Source: Doyle & McWilliams (2018)

Finally, a few studies have empirically explored the impact of pertinent elements of the Northern Ireland sociopolitical context on domestic violence. These elements include several of those outlined in the Introduction and Context section of this article and in particular religious, conservative and patriarchal social norms (hereafter conservative social norms) and violent conflict. For conservative social norms, our comparative findings highlight the sustained impact that these norms have had on decision-making in relation to domestic violence, with the 2016 study finding that religious beliefs on marriage and social stigma towards divorce and single-parenthood continue to prevent women from reporting domestic violence or leaving violent relationships, although some participants did report that these were changing (see below). For violent conflict, the McWilliams and McKiernan (1993) study and a study by Swaine (2015) underscored the large extent to which aspects related to the conflict in Northern Ireland shaped women's experiences of and statutory responses to domestic violence while it was ongoing. Specifically, these studies showed how limited access to policing for victim/survivors of domestic violence in a context where police resources were diverted to conflict-related issues ('combating terrorism') and where a lack of trust characterized the relationship between the police and nationalist (mostly Catholic) communities, the influx of firearms and paramilitary power all functioned to create an environment of impunity where domestic violence could be perpetrated with little fear of

<sup>11</sup> Three participants gave 'mixed' reports on the police whereby one officer was 'helpful' while another was 'not helpful', or the police were 'helpful' on one occasion and 'not helpful' on another.

accountability (Swaine, 2015, p. 772). Our 2016 research found that trust in and access to policing has increased across all communities and access to firearms for perpetrators of domestic violence has decreased in the post-conflict environment when compared to the 1992 findings. However, the research also found that some (albeit fewer) perpetrators of domestic violence continue to derive power from affiliations with paramilitary groups, using affiliations to threaten and control their partner and in this regard the legacy of the Northern Ireland conflict is still visible in relation to domestic violence (Doyle & McWilliams, 2018). These aspects are only some of the myriad ways the sociopolitical context of Northern Ireland shapes domestic violence and are returned to in the sections that follow. The research also shows the comparison that can be made with the small number of other empirical studies that have been conducted to date on this subject.<sup>12</sup>

### *Precarious progress*

These changes point towards a shifting environment for domestic violence victim/survivors in Northern Ireland over the last three decades. While this is due to a culmination of factors, two of the most pertinent are the policy responses to domestic violence and the sociopolitical consequences of the Northern Ireland peace agreement in 1998.

**Table 3: Development of Domestic Violence policy and responses in Northern Ireland 1988- 2018**

1988: Introduction of Northern Ireland Housing Executive policy which gives victim/survivors of domestic violence priority for re-housing
1991: Introduction of Police Guidelines on Domestic Violence.
1995: 24 hour Women's Aid regional helpline launched
1997: The Protection from Harassment (NI) Order
1998: The Family Homes and Domestic Violence (NI) Order
1999: Draft Strategy on Tackling Violence Against Women
2002: The Housing Support Services (NI) Order
2003: The Housing (NI) Order
2003: Family Law, Divorce etc. (NI) Order
2003: Protection of Children and Vulnerable Adults (NI) Order
2004: Domestic Violence, Crime and Victims Act
2005: 'Tackling Violence at Home: A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland'
2005: Law Reform (Misc. Provision) NI Order allows cohabitees to be protected
2005: Public Prosecution Service publishes its guidelines on domestic violence
2007: Forced Marriage (Civil Protection) Act
2008: Sexual Offences (Northern Ireland) Order
2008: Tackling Sexual Violence and Abuse: A Regional Strategy 2008 – 2013

<sup>12</sup> In Northern Ireland, but also in Liberia, Sri Lanka, Timor Leste and Uganda, see Guruge et al. (2017); Swaine (2015); Koenig et al. (2003).

2009: MARAC: Multi-Agency Risk Assessment Conferences established  
 2013: Sexual Assault Referral Centre opens as a one stop centre  
 2014: ‘Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: Strategy 2013 – 2020’ consultation launched  
 2016: Consultation on Domestic Abuse Offence and Domestic Violence Disclosure Scheme  
 2016: ‘Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy’  
 2018: Consultation launched on Domestic Violence Homicide Reviews  
 2018: Preliminary report into the law and procedure in serious sexual offences in Northern Ireland published for consultation

Source: Compiled from literature

Considering the first of these factors, policy makers in Northern Ireland have come under sustained pressure from activists in the local women’s movement to align domestic violence policies and legislation with that in place elsewhere in the UK and with the influential international frameworks outlined above. In 1999 a draft strategy, based on the findings of the McWilliams and McKiernan (1993) study, titled ‘Tackling Violence Against Women’ officially recognized VAW as a human rights violation and explicitly proposed to work towards the Beijing definition. In line with this vision, several significant policy and legal reforms were introduced to provide victim/survivors of violence with greater protection through the introduction of protection and occupation orders, housing support and greater powers of arrest for police and are summarized in Table 3. The 1999 strategy was followed by other government strategies in 2005 and 2016, which saw the introduction of coordinated, multi-agency approaches to addressing domestic violence. The most recent 2016 strategy expands on previous strategies to include, among other aspects, sexual violence and a definition of domestic violence which incorporates ‘coercive and controlling’ behavior, alongside ‘threatening behavior, violence or abuse’ (the 2005 definition; see Department of Justice, 2016).

In February 2016 a consultation paper was launched by the Northern Ireland Department of Justice (Department of Justice, 2016) with a view to introducing a specific domestic violence offence to capture patterns of coercive and controlling behavior in intimate relationships (England, Scotland and Wales have already done this), although this and other legal reforms have been stalled due to the absence of a functioning assembly in Northern Ireland since January 2017. The introduction of a coercive controlling offence is significant as it arguably represents one of the most significant attempts to align the criminal justice response to domestic violence in Northern Ireland with feminist conceptual understandings of domestic

violence and with experiences of domestic violence as reported by victim/survivors (Burman & Brooks-Hay, 2018). However, it is worth noting that the implementation of this offence has been problematic in England, Scotland and Wales, with relatively few prosecutions occurring and one study by Wiener (2017) with senior police officers in England found that coercive control legislation was seen as complicated and a 'grey area' by officers who were not well-trained enough or empowered to apply it. This raises questions regarding the effectiveness of criminalization measures absenting a clear societal understanding, particularly among those charged with enforcing criminalization measures, of the sociopolitical, cultural and economic factors that sustain domestic violence and measures to address these factors. While a full discussion of these factors is beyond the scope of this article which focuses primarily on policy shifts in responses to domestic violence, for Northern Ireland as elsewhere these factors include gender inequalities, conservative social attitudes and norms, economic barriers and adequate service provision. With regard to the latter and returning to the discussion of progress in responding to domestic violence in Northern Ireland, new services have also been established in the last few decades for victim/survivors of domestic violence living in Northern Ireland. These include a free regional domestic violence helpline, new refuges and domestic violence outreach centers, stronger partnerships between the government and civil society organizations (CSOs) working on domestic violence and targeted support for male victim/survivors of domestic violence (e.g. the Men's Advisory Project, MAP) and all victim/survivors of sexual violence (the Sexual Assault Referral Centre, SARC).

Considering sociopolitical changes in Northern Ireland over the same time frame, undoubtedly the most significant change has been the end of violent conflict in the late 1990s and subsequent peace agreement. Issues of justice and policing, the decommissioning of weapons and human rights, that were so central to the peace agreement, also proved to be significant in relation to domestic violence. Radical reforms to policing dissolved the existing police force (the Royal Ulster Constabulary, RUC) replacing it with the PSNI with a 50% quota for Catholic recruitment that helped to address the under-representation in the previous religious make up. While the quota did not extend to gender, despite the imbalance of female police that existed, this has also increased, and the PSNI now comprises of 32% Catholic and 29% full time female officers compared to 8% Catholics and 13% females, of whom one third of the latter group were in the part time reserve at the time of the 1992 study (PSNI, 2017; CAIN, 2004). Moreover, co-existing with the cessation of hostilities by key paramilitary groups

in Northern Ireland, there has been an increased focus on domestic violence making it a specific priority in policing plans (PSNI, 2016).

The impacts of these changes are reflected in the increased numbers of domestic violence incidents recorded by the police and the improved appraisals of police responses to domestic violence (see Table 2). The increase in calls to the police from abused women in nationalist/catholic communities is particularly notable. Reports of incidents of domestic violence to police have increased by 43 per cent since 2004/5 and by over 400 per cent when compared to the closest year to the earlier 1992 study for which official statistics are available (1995).<sup>13</sup> Given that population based studies report similar domestic violence prevalence rates (around one in every four to five women: Department of Justice, 2013; Ardoyne Women's Research Project, 1992), these findings suggest that more incidents are now being reported to police and/or that police officers are now more cognizant of/responsive to domestic violence, rather than simply that incidents of domestic violence have increased massively. In contrast to 1992, today women from nationalist/Catholic communities are as likely to report domestic violence to the police as those from unionist communities. Our study also shows that most women in nationalist communities had positive experiences with the police and that police can more readily respond to calls from nationalist communities than would have been the case during the conflict<sup>14</sup> (Doyle & McWilliams, 2018; McWilliams & McKiernan, 1993). The research shows that policing reforms that formed part of the political settlement in Northern Ireland have had positive outcomes for victim/survivors of domestic violence.

Whilst the research also points to the significance of the decommissioning of weapons, with far fewer participants in 2016 reporting the use of firearms in domestic violence situations than in 1992, the findings on paramilitary activity are less clear cut. These suggest an enduring influence of armed groups and that issues of demilitarization and disbandment continue to shape experiences of domestic violence. A 2016 government commissioned report on the disbandment of paramilitary groups in Northern Ireland (Alderice, McBurney, & McWilliams 2016), for instance found that while 'much has changed since the landmark ceasefires of 1994...over 20 years after the ceasefires, paramilitary groups continue to exist and the activities

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<sup>13</sup> From 5,903 in 1995/6 to 29,166 in 2016/17 (PSNI, 2017; Royal Ulster Constabulary, 1995/6) although the latter comparison is purely indicative as statistics were not recorded in the same format then as now

<sup>14</sup> Albeit taking protective measures to confirm that domestic violence calls are not hoax calls used to lure police officers into nationalist communities with the intention of ambushing them; a practice which still occurs albeit to a lesser degree.

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of some of their members continue to impact adversely upon everyday life for many individuals...in Northern Ireland' (p.7). These groups and their members continue to engage in violent activity and to intimidate and exercise control in communities where they operate including by inflicting brutal 'punishment' assaults. There were 88 casualties resulting from 'punishment' assaults *reported* to the PSNI in 2015 and approximately 1,000 people were driven out of their homes between 2012/13 and 2014/15 due to paramilitary intimidation from within their own community (Alderice, McBurney, & McWilliams, 2016, p. 9). During interviews for our research police spoke of how 'hotspot' areas of violence remain in Northern Ireland where it is difficult for them to respond to calls, while victim/survivors of domestic violence from within these communities spoke of how they were hesitant to report violence where their partner was affiliated with a paramilitary organization.

**Table 4: Indicators of influence of religion and conservative social attitudes in Northern Ireland**

Year	Regularly attend church services	It is wrong to have sex before marriage <sup>15</sup>	Disagree that divorce is usually the best solution when a couple can't seem to work out their marriage problems	Disagree that one parent can bring up a child as well as two parents
1998	44%	47%	23%	41%
2002	Not available	Not available	19%	32%
2012	Not available	26%	Not available	Not available
2014	25%	Not available	Not available	Not available

Source: Northern Ireland Council for Voluntary Action, 1998-2014

Finally, while not immediately connected to the end of the conflict in Northern Ireland, changes to conservative norms over the last two to three decades have also occurred implying a decrease in the influence of religion. Rates of church attendance (a proxy for religious observance) have declined as have the proportion of the population supporting associated conservative views (see Table 4; also Treas, Lui, & Gubernskaya, 2014). For instance,

<sup>15</sup> This includes the categories of 'Always wrong', 'Almost always wrong', and 'Wrong only sometimes'.

disapproval of cohabitation, of divorce, of single parenthood and of sex before marriage have all decreased over time (see Table 4). To an extent, our study findings reflect these changes by recording a view among participants from urban areas (Belfast in particular) that conservative social attitudes are declining in influence in Northern Ireland. Northern Ireland nevertheless remains a highly religious and conservative society and normative attitudes on single parenthood and divorce continue to pose a barrier to those seeking to leave their abusive partners (see Doyle & McWilliams, 2018 and also Raj & Silverman, 2002 and Bauer et al., 2000).

### ***Gaps and future directions***

While progress has clearly been made in domestic violence policy, services and legislation over the last three decades, particularly following the end of the conflict, gaps still remain. In policy terms, Northern Ireland continues to fall behind when compared to what is happening on domestic violence elsewhere in the UK. Key pieces of domestic violence legislation operating in England, Wales and Scotland have yet to be introduced in Northern Ireland, including the aforementioned coercive control offence and a domestic violence disclosure scheme<sup>16</sup>. This is because issues not directly pertaining to a narrow set of nationalist/unionist group interests, such as domestic violence and women's issues more generally<sup>17</sup> have received less primacy in Northern Ireland (see above, also McWilliams & Ní Aoláin, 2013; Ashe, 2007; Rooney, 2006) and also because of the political paralysis in the Northern Ireland government since early 2017 following the failure of nationalist and unionist parties to reach agreement. Both issues are clearly related to the legacy of the violent conflict in Northern Ireland. Yet, despite the continued legacy of the conflict on politics and society in Northern Ireland, policy making including in relation to domestic violence has essentially ignored the status of Northern Ireland as a post-conflict society. For instance, although research clearly shows that the conflict/post-conflict environment in Northern Ireland shapes domestic violence (e.g. perpetrators of domestic violence deriving power from paramilitary affiliations), the most recent (2016) domestic violence strategy makes no mention of this. This follows a pattern whereby domestic

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<sup>16</sup> Which allows individuals to discover if their partner has a history of domestic violence.

<sup>17</sup> Also issues of human rights, given that despite the prominence of human rights issues in the Belfast Agreement many of the related commitments therein have been side-lined. The introduction of a Bill of Rights for Northern Ireland, for instance, although promised under the terms of the Belfast Agreement, is still outstanding (Northern Ireland Human Rights Commission, 2012).



violence policies and legislation in Northern Ireland do not generally consider the realities of Northern Ireland as a post-conflict society.

A second issue concerns the level of political commitment to addressing domestic violence in Northern Ireland, which is cast doubt upon not only by the delays in introducing new pieces of policy and legislation (even prior to the collapse in government) but also by the inadequate resources allocated to implementing existing measures. For example, few resources have been committed to implementing the measures set out in the 2016 Strategy. A failure to allocate adequate financial resources to addressing domestic violence is far from unique to Northern Ireland with domestic violence services being cut in many countries recently as part of austerity agendas. Indeed, a central reason several European countries have failed to ratify the aforementioned Istanbul convention is due to the resulting commitment these governments would then have to make to funding service provision (Chinkin, 2018). Nevertheless, the reality is that Northern Ireland lags further behind other European nations and certainly the rest of the UK in measures to address domestic violence. A valuable starting point here would be the adequate implementation of many of the measures set out in the 2016 Strategy and the introduction and implementation of key pieces of outstanding legislation, including the coercive control offence and domestic violence disclosure scheme. Implementing the measures set out in the strategy has the added benefit of moving beyond simply a criminalization approach to domestic violence to begin to tackle some of the sociopolitical, cultural and economic circumstances which uphold domestic violence and VAW more generally. In particular, Strand Two of the 2016 Strategy ‘Prevention and early intervention’ incorporates preventive educational programmes and measures to change societal attitudes on domestic and sexual violence and abuse (Department of Justice, 2016). More measures to tackle these sociopolitical, cultural and economic factors are needed and for this we could look to initiatives adopted in other European nations<sup>18</sup>. As Northern Ireland is something of an unusual case due to its post-conflict status, these elements of international best practice could be introduced on an experimental basis with future research supported to track their impact on the ground prior to their full implementation. This is elaborated on in the conclusion that follows.

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<sup>18</sup> For example, the domestic violence/VAW National Action Plans from Sweden, Finland and Iceland contain several measures which seek to prevent violence by addressing the sociopolitical, cultural and economic factors which support it (see for Sweden Government Offices of Sweden, 2017; for Finland Ministry of Social Affairs and Health, 2011 and for Iceland Ministry of Social Affairs and Social Security, 2006; Minister of Welfare, 2012).

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## **Conclusion**

The analysis above of domestic violence policy and legislation in Northern Ireland over the last three decades highlights the changes that have taken place and the gaps that remain. It shows how advances in responses to domestic violence at the international level have shaped responses locally and how, alongside this, the ending of a violent conflict and the transition to a political settlement can also make a difference to those experiencing domestic violence. It remains the case that the legacy of the conflict, such as the continuation of residual paramilitarism, ethnonational antagonisms in party politics and a political focus on political identity/religious issues at the expense of other issues, continues to have negative implications for victim/survivors of domestic violence. Consequently, understanding and responding to domestic violence requires a context specific approach such as the one provided here. While the authors suggest the value of adopting (and adequately implementing) international best practice responses to domestic violence in Northern Ireland, the specificities of the context may indeed call for a slightly adapted approach. Here, evidence-based assessments of policy experiments can be particularly valuable in guiding effective local adaptation of policy learning from across the globe. While the analysis presented here focused on Northern Ireland, several of the key issues explored in the article have relevance for those working on domestic violence in other societies. For example, the connections that exist between violent political conflict and conservative social norms and domestic violence point to the value that addressing these issues can have for victim/survivors of violence elsewhere. Overall, the study adds to the few empirical analyses of these issues and strengthens the case for more focused attention on them in future policy making.

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